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T-320 P.011/015 F-617

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MAR 20 2006

REMARKS

The Office Action was mailed on October 20, 2005.

The Examiner notes that claims 1-23 are pending. Applicant respectfully submits that, in fact, claim 18 has been cancelled, and claims 1-17 and claims 19-23 are pending.

By the foregoing, claims 1, 3, 10, and 12 are amended. No new matter is added. All claims are well supported by specification.

Rejection Under Judicially Created Doctrine of Obviousness-Type Double Patenting

Claims 1-23 i.e. claims 1-17 and claims 19-23 are deemed to conflict with claims 1-17 and 19-32 of U.S. Application No. 09/759,588. Claims 1-9 of application '588 have been cancelled obviating a conflict. Furthermore, a Terminal Disclaimer was submitted in application '588. Accordingly, the rejection under the judicially created doctrine of obviousness-type double patenting should be removed.

Rejection Under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a)

Claims 1-7, 11, 13-16 and 19-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,782,190 to Morito (Morito). Claims 8-10, 12, 17-18, and 21-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Morito in view of U.S. Patent No. 6,222,800 to Miller et al. (Miller).

Applicant notes the prior action was a Notice of Allowance. This notice has now been withdrawn. However, a reasoning or a rebuttal to the arguments and amendments made in the response bringing the subject application top allowance has not been provided to the Applicant. The Examiner is kindly requested to provide such.

Notwithstanding the above, the Previously claimed invention is a method for authenticating the recording of digital video signals (independent claims 1 and 3) and a disk feeding apparatus for recording and authenticating digital video signals (independent claims 10 and 12).

Therein, the method claims an exclusive code that is generated for each fresh disk by a coding generating and mixing means, while the claimed apparatus comprises a coding generating and mixing means for generating an exclusive code. As is now more clearly claimed, the exclusive code is different from a pre-imprinted code that is provided on a fresh disk.

Neither Morito nor Miller alone or in any combination thereof teach, disclose or suggest the claimed invention. Morito teaches a disk having an identification area 2 and a data area 3. A serial number or other identifier of the disk is added to the disk by laser burst cutting a series of bar code like stripes in area 2. 4: 38-45.

When making a copy, a reading device 9 in recording apparatus 8 reads the disk identifier S_d and stores the identifier as copy control information. At a recording step, the recording module 11 reads data to be copied from a data archive and records the data along with the disk identifier S_d to the data area 3 of the disk. Thus, the identifier that Morito uses is the same identifier as is marked on the disk, which is a clear problem in the security industry where data obfuscation is preferred. Consequently, Morito also is silent with respect to an apparatus that creates an identifier that is different than the identifier readily visible on the disk.

In contrast, the Previously claimed invention, requires an exclusive code which is more secure than a pre-imprinted code on a disk, i.e. with serial number of the disk as taught by Morito. Such an exclusive code provides clear advantages as spelled out on page 14, lines 12 et al. of the specification. Therein, for example, a layman who wanted to deceive someone else with regard to the content of the disk could handle the disk, but would not be able to determine what, in fact, the exclusive code relates to and would not be able to reproduce it and mix it in the video signal.

Miller does not fill in the gaps of Morito. Miller teaches an automatic labeling process during automatic batch duplication of data using a more complex structure to move the disk than the Previously claimed structure. However, Miller solely teaches copying a predetermined static label. Thus, Miller is silent with respect to any code generation to create an exclusive code.

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Miller in arguendo simply teaches placing a label that has already been pre-determined onto a disk. In fact, if Morito does not teach creating an exclusive code, Miller also cannot place such an exclusively coded label on the disk.

Nor is it clear how the combination of Morito and Miller would work on a physical and a data level. On a physical level, Miller would need to be significantly altered to interact with the movement of a disk in Morito. On a data level, assuming in arguendo that Morito teaches code generation, Morito would need to duplicate the code information and pass the copy to code to Miller. However, Miller teaches automatic batch duplication rather than the individual recording of disks and the code information. However, Miller would then need to be further altered to receive a constant and variable data flow with which it then would to print labels, affix them to disks, and then hand them back to Morito on an individual basis. To be able to use the data of Miller, Morito would need to have new means added to read labels rather than laser reading laser cut burst data in a disk and have this arrangement such that the reading is performed on a side that is opposite to the data reading surface.

Accordingly, the Examiner is respectfully requested to withdraw the rejections for the reasons given.

Furthermore, the Previously claimed invention with the disk feeder apparatus sliding table for transporting a fresh disk. Neither Morito nor Miller, alone or in any combination thereof, teach, disclose, or suggest such a sliding table for collecting and transporting the coded disk to the disk driver and to the a recording head or for pulling and transporting the coded disk from the fresh disk compartment into the imprinting means. As disclosed in Fig. 1 in conjunction with the specification at page 7, lines 21-30 and in the specification as whole, the simplicity of the claimed pull slider or pull lever permits simple and maintenance-free operation.

Morito is silent with respect to such a structure. Miller teaches automatic feeding of a disk that in contrast to the Previously claimed structure, as depicted below, requires a complex and bulky load unit 12 having an equally bulky transporting mechanism 300. As disclosed on col. 8, line 14-col. 9, line 4, the mechanism requires all types of devices such as retractable platform 314, belts 336, support bars 342 etc. The result is a large, unwieldy, complex structure that requires

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an L shaped footprint to move the disk. Thus, Miller fails to teach the simple and efficient claimed structure.

Given the mechanical complexity of Miller, it is unclear if a Miller and Morito would be able to cooperate successfully in a single apparatus without major modifications to the structure of Miller to accommodate the aims of Morito. Accordingly, the Examiner is respectfully requested to withdraw the rejection for this reason alone.

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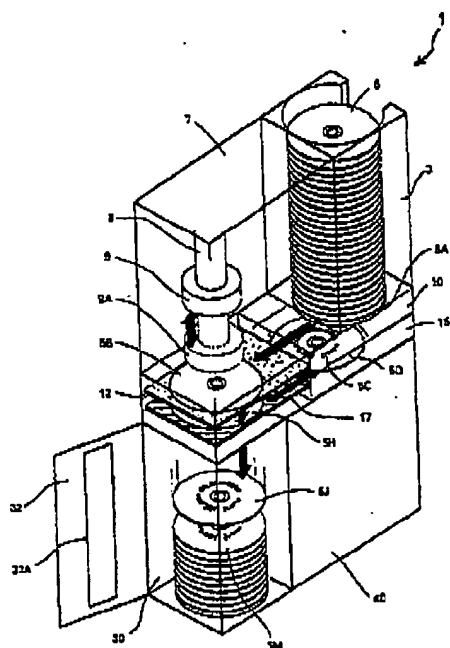


FIG. 1

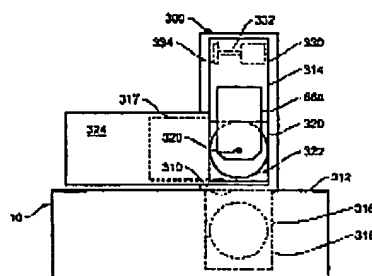
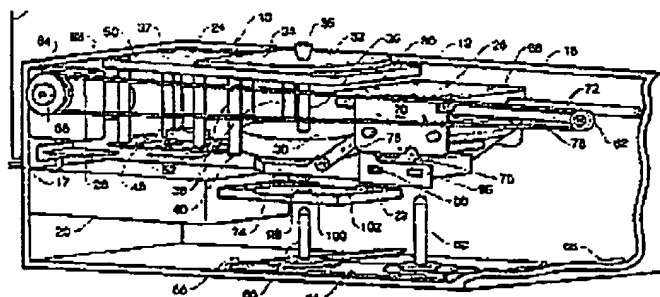


FIG. 10



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All dependent claims are allowable for at least the same reasons as the independent claim from which they depend.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,



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